Annex

Letter dated 15 October 2009 from the High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union addressed to the Secretary-General

In accordance with the provisions of Security Council resolution 1846 (2008), I enclose herewith the report on the activities of the European Union naval operation Atalanta off the coast of Somalia. The report covers the period from 12 December 2008 to 1 October 2009. I should be grateful if you would transmit the report to the President of the Security Council.

(*Signed*) Javier **Solana**

nautical square miles of piracy-affected areas, in addition to coordinating efforts in the Gulf of Aden.

7. In this regard, the European Union and EU NAVFOR participate actively in the work of the Contact Group on Piracy off the Coast of Somalia which was set up in January 2009 pursuant to Security Council resolution 1851 (2008).

III. Legal framework

8. One of the Working Groups of the Contact Group, notably dealing with the legal aspects of counter-piracy operations, has recently made a proposal relating to the establishment of an international trust fund to help defray the expenses associated with the prosecution of suspected pirates. The Contact Group approved the terms of reference of the trust fund at its plenary meeting on 10 September 2009, requesting the Secretary-General to engage in the process leading to their implementation at the earliest opportunity.

9. As concerns the judicial treatment of suspected pirates captured by EU NAVFOR warships, the transfer agreement concluded in the form of the exchange of letters between the European Union and Kenya on 6 March 2009 represents a powerful tool to ensure the necessary continuum between military action and subsequent prosecution. In order to share the burden with other States, the European Union is currently working on a similar agreement with Seychelles and has approached other nations in the region.

10. The European Commission financially supports judicial capacity-building relating to the trial and related treatment of piracy suspects in Kenya. Following the signature of a contract on 15 May 2009 between the European Community and the United Nations Office on Drugs and Crime, the latter immediately started to implement the jointly developed programme, which will continue over a period of up to 18 months. Likewise, financial support from the European Community and the United Nations Office on Drugs and Crime to trials and treatment of piracy suspects has been extended to Seychelles subject to the completion of the transfer agreement between the European Union and Seychelles.

11. Operation Atalanta's contribution to countering piracy has been evident in its achievements over the past 9 months and its mandate should be formally renewed in November 2009 on the understanding that Security Council resolution 1846 (2008) will be extended.

IV. Root causes of piracy

12. Piracy is likely to remain a serious threat until restoration of law and order makes serious progress ashore. Like its partners, the European Union acknowledges it is only ashore that the root causes of piracy can be addressed. The pledges made at the Brussels Conference on Somali Security held on 23 April 2009 constitute a promising step towards the establishment of an efficient Somali national security force and a civilian Somali police force. Together with others involved in the Contact Group, the European Union continues to investigate ways in which it can help to combat the root causes of piracy.